THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.6018 and 6020 of 2006

Dated:27.03.2006

WRIT PETITION No.6018 of 2006

Between:

Nagothi Hema Latha, W/o.Srinivasa Rao, and others.

..... PETITIONER

AND

The Mandal Revenue Officer, Visakhapatnam Rural, Visakhapatnam, and others.

.....RESPONDENTS

WRIT PETITION No.6020 of 2006

Between:

Seerampalli Narayana Rao, s/o.Late Suryanarayana, and others.

..... PETITIONER

AND

The Mandal Revenue Officer, Visakhapatnam Rural, Visakhapatnam, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.6018 and 6020 of 2006

COMMON ORDER:

This common order shall dispose of both the Writ Petitions, as the factual background in both the cases is the same.

It is the case of the petitioners that the land comprised in Survey Nos.304 and 27 of Madhurawada Village is assigned to various landless and poor persons, including the petitioners. The petitioners also allege that they raised thatched sheds in the land, which is in their possession, and that on 20.03.2006 the first respondent along with his staff came and started demolishing the structures without giving any notice and without following due process of law. Therefore, they filed the present Writ Petitions declaring the action of the respondents in interfering with their possession as illegal and arbitrary, and for a consequential direction to the respondents to follow the due process of law.

Heard the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General). The learned Counsel for the petitioners has also produced the Xerox copies of the house site pattas issued in favour of petitioner Nos.1, 2 and 3 in W.P.No.6020 of 2006. He submits that all the petitioners are in possession of the house sites by reason of the pattas granted to them in 1992, and therefore they cannot be evicted unless in accordance with due process of law.

Learned Assistant Government Pleader for Revenue (General) has obtained instructions at the admission stage itself. He submits that petitioners in W.P.No.6018 of 2006 were not assigned house site pattas. He contends that Plot Nos.17, 18, 19, 20, 55 and 56 in Survey No.304 of Madhurawada Village, which are alleged to have been assigned to the petitioners in W.P.No.6018 of 2006 were assigned to other persons, and therefore, the petitioners cannot claim that they have been given house site pattas. Insofar as W.P.No.6020 of 2006 is concerned, the learned Assistant Government Pleader submits that petitioner Nos.1 to 3 herein were not assigned any pattas, but the pattas produced by them are fake pattas. Insofar as petitioner Nos.4 and 5 are concerned, admittedly, they are in occupation of the Government land. The learned Assistant Government Pleader also submits that the first respondent never went to the house sites comprised in Survey Nos.27 and 304 and the Writ Petitions are filed on a mere apprehension.

In view of the submissions made by the learned Assistant Government Pleader that the petitioners are not genuine patta holders and also the first respondent never went to the house sites as alleged, this Court holds that the Writ Petitions are misconceived, and are accordingly dismissed. No costs.

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(V.V.S.RAO, J)

27.03.2006

vs